

ATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING

PCT

**NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)**

(PCT Rule 71.1)

To:
WOORIN PATENT FIRM

2nd floor, Shinwon Bldg., 823-14, Yeoksam-dong, Kangnam-
gu, Seoul City, 135-080, Republic of Korea

Date of mailing
(day/month/year) 26 MAY 2005 (26.05.2005)

Applicant's or agent's file reference

IMPORTANT NOTIFICATION

International application No.

PCT/KR2004/000204

International filing date (day/month/year)

05 FEBRUARY 2004 (05.02.2004)

Priority date (day/months/year)

06 FEBRUARY 2003 (06.02.2003)

Applicant

KOH YOUNG TECHNOLOGY INC. et al

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits here with the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the *PCT Applicant's Guide*.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/KR



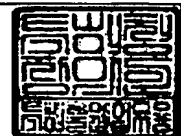
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY



(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

| | | | |
|--|---|--|-----------------------|
| Applicant's or agent's file reference | FOR FURTHER ACTION | | See Form PCT/IPEA/416 |
| International application No. PCT/KR2004/000204 | International filing date(day/month/year) 05 FEBRUARY 2004 (05.02.2004) | Priority date (day/month/year) 06 FEBRUARY 2003 (06.02.2003) | |
| International Patent Classification (IPC) or national classification and IPC IPC7 G01B 11/25 | | | |
| Applicant KOH YOUNG TECHNOLOGY INC. et al | | | |

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____ containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:
 - ☒ Box No. I Basis of the report
 - ☐ Box No. II Priority
 - ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - ☐ Box No. IV Lack of unity of invention
 - ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - ☐ Box No. VI Certain documents cited
 - ☐ Box No. VII Certain defects in the international application
 - ☒ Box No. VIII Certain observations on the international application

| | |
|--|--|
| Date of submission of the demand 24 AUGUST 2004 (24.08.2004) | Date of completion of this report 23 MAY 2005 (23.05.2005) |
| Name and mailing address of the IPEA/KR  Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140 | Authorized officer YOO, Hyun Duk Telephone No. 82-42-481-5504  |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

international application No.

PCT/KR2004/000204

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☒ This report is based on translations from the original language into the following language English which is the language of a translation furnished for the purposes of:
 - ☐ international search (under Rules 12.3 and 23.1(b))
 - ☒ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
 - ☒ the international application as originally filed/furnished
 - ☐ the description:
 - pages _____ as originally filed/furnished
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____
 - ☐ the claims:
 - pages _____ as originally filed/furnished
 - pages* _____ as amended (together with any statement) under Article 19
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____
 - ☐ the drawings:
 - pages _____ as originally filed/furnished
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____
 - ☐ the sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages _____
 - ☐ the claims, Nos. _____
 - ☐ the drawings, sheets _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages _____
 - ☐ the claims, Nos. _____
 - ☐ the drawings, sheets _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/KR2004/000204

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|--------|--------|-----|
| Novelty (N) | Claims | 1 - 14 | YES |
| | Claims | | NO |
| Inventive step (IS) | Claims | 1 - 14 | YES |
| | Claims | | NO |
| Industrial applicability (IA) | Claims | 1 - 14 | YES |
| | Claims | | NO |

2. Citations and explanations (Rule 70.7)

Reference is made to the following documents:

D1: US A 5175601

D2: WO A1 02/43402

D3: JP 07-248212

D1 relates to an apparatus for 3-D vision measurement using a fringe pattern, and two fringe projectors 24 and 28 are shown in Fig. 2a.

D2 relates to an apparatus for measuring a three-dimensional shape of an object using a projection moire device, and a mirror 12g is shown in Fig. 5.

D3 relates to an apparatus for measuring a three-dimensional shape of an object using a photographing means, and reflecting mirrors 62A and 62B are shown in Fig. 1.

I. Novelty and Inventive Step

The subject matter of independent claim 1 contains an XYZ shaft transfer means, a work stage, an image obtaining means, a light emitting means, and a control unit for measuring a three-dimensional image.

None of the documents D1 to D3 use a light-emitting means and a control unit. Consequently, they do not teach or fairly suggest the maintenance of the focus distance between a measuring object and an image obtaining means. Therefore, claims 1-14 are novel under PCT Article 33(2).

In addition, since the teaching of the present application is not rendered obvious from the prior art, claims 1-14 appear to involve an inventive step under PCT Article 33(3).

Therefore, claims 1-14 satisfy PCT Article 33(2) and 33(3).

II. Industrial Applicability

The subject matter of claims 1-14 is considered to be industrially applicable (PCT Article 33(4)).

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 4 claims the "three-dimensional measuring apparatus according to claim 1, wherein a ball screw is adapted as the guide transfer apparatus." However, the guide transfer apparatus is not mentioned in claim 1. Consequently, it seems that claim 1 to which claim 4 refers to is mistakenly numbered and should be replaced by claim 3.